

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 15 and 19 are pending in the present application, and are each amended by the present amendment. Support for amended Claims 15 and 19 can be found at least at Figs. 11-13 and p. 21, l. 30 – p. 25, l. 5 of the originally filed disclosure. No new matter is presented.

In the Final Office Action of July 23, 2009 (herein, the Final Office Action), Claims 15 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Davis et al. (U.S. Pat. 6,105,008, herein Davis) in view of Official Notice.

As an initial matter, Applicants appreciatively acknowledge the courtesy extended by Examiner Johns in holding a personal interview with the undersigned on November 18, 2009. During the interview, an overview of the invention was presented and proposed claims were discussed, which Examiner Johns “agreed ... would overcome the Davis reference.” In response, Claims 15 and 19 are amended as discussed during the interview and are now believed to overcome the rejection under 35 U.S.C. § 103 set forth in the Final Office Action.

Specifically, independent Claim 15, for example, is amended to recite, in part, an operation method of an authentication and payment system including a terminal, a service providing device, an authentication and payment device, and an information network connecting the terminal, the service providing device, and the authentication and payment device, comprising:

receiving by the terminal from the authentication and payment device
a certificate of service including a content of a reference amount;
issuing a request for use of a service attached with the certificate of
service for the terminal to the service providing device...

comparing, at the service providing server, the reference amount in the
certificate of service with an amount of payment of the requested service ***to***

determine whether the amount of payment is less than or equal to the reference amount;

transmitting, from the service providing server to the authentication and payment server, an authentication and payment message prior to providing the requested service when the comparing determines that the amount of payment of the requested service is greater than the reference amount; and

providing, by the service providing server, the requested service to the wireless terminal apparatus before the service providing server generates the authentication and payment message that is sent to the authentication and payment server when the comparing determines that the amount of payment of the requested service is less than or equal to the reference amount.

Independent Claim 19, while directed to an alternative embodiment, is amended to recite similar features.

At pp. 3-4, the Final Office Action concedes that the primary reference, Davis, fails to disclose the “comparing” and “providing” features recited in independent Claim 15. However, the Final Office Action relies on Official Notice asserting that “comparing a sent amount with a pre-determined amount of payment was old and well-known in the art because it allows for determination of payment before providing a service” and “providing a service upon determining that a required amount was paid was old and well known in the art because it allows for a system where a user will not receive provisioning of a service until the full amount has been paid.” (emphasis added)

Claim 15, however, recites “***providing, by the service providing server, the requested service to the wireless terminal apparatus before the service providing server generates the authentication and payment message that is sent to the authentication and payment server when the comparing determines that the amount of payment of the requested service is less than or equal to the reference amount.***”. In other words, Claim 15 recites that the service providing device provides the requested service “in a case the amount of payment is equal to or smaller than the reference amount” prior to confirming that the full amount has been paid (i.e., ***before the service providing device generates an authentication and payment*** message

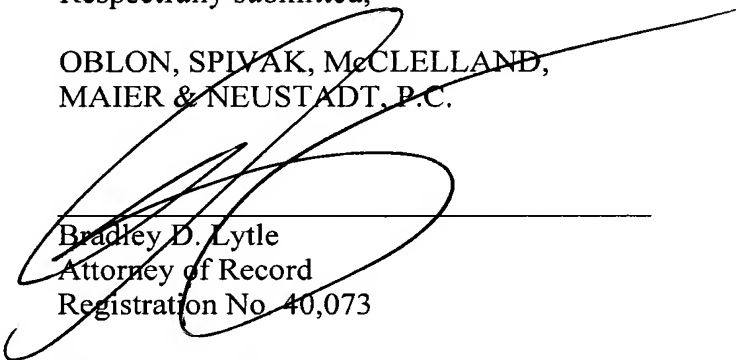
that is sent to the authentication and payment device). Therefore, in case the amount of payment is less than the reference amount, by providing services first, a user can receive goods and/or services immediately without waiting for the authentication and payment of inexpensive goods and/or services. Thus, the features for which Official Notice are taken are not analogous to the "providing" feature recited in Claims 15 and 19.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 15 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 19 patentably defines over Davis.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 15 and 19 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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